UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,443	04/23/2001	Bina Kunal Thakkar	230600-428	4167

24239	7590	11/30/2004

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER
HOGAN, MARY C

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/840,443	THAKKAR, BINA KUNAL
	Examiner	Art Unit	
	Mary C Hogan	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _4/23/01_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-16_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _23 April 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This application has been examined.

2.   **Claims 1-16** have been examined and rejected.

Drawings

3.   The drawings are objected to because of the following. **Figures 14, elements 1410 and 1426 and Figure 17, element 1704** should be corrected to incorporate the information that is written in. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4.   **Claims 3,4,9,10,14,15** are objected to under 37 CFR 1.75(c) as being in improper form for the following reasons. A multiple dependent claim cannot depend on another multiple dependent claim. Furthermore, multiple dependent claims must be in the alternative form, cumulative forms are not permitted. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

5.   **Claim 5** is objected to because of the following informalities: "may received" should read "may receive". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by

another filed in the United States before the invention by the applicant for patent or (2) a patent granted

on an application for patent by another filed in the United States before the invention by the applicant

for patent, except that an international application filed under the treaty defined in section 351(a) shall

have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such

treaty in the English language.

7.   **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et

al (U.S. Patent Number 6,549,882), herein referred to as **Chen**.

8.   As to **Claims 1,7 and 12, Chen** teaches: a method for emulating network traffic,

comprising: initializing a finite state machine to a state keyword from at least two state

keywords **(column 5, lines 23-57)**; retrieving a value from the network frame,

determining if the value triggers a state keyword change, and if the value triggers a state

keyword change, changing the state keyword to another of the at least two state keywords

(column 5, lines 58-61, column 9, lines 46-48, column 13, lines 17-19).

9.   As to **Claims 2,8,and 13, Chen** teaches: determining if the value triggers an

action routine; and if the value triggers an action routine, performing an action **(column**

5, lines 58-61, column 9, lines 46-48, column 13, lines 17-19).

10.   As to **Claims 3,9 and 14, Chen** teaches: the network frame has at least one

protocol data unit having at least one field containing the value **(column 13, lines 1-11,**

"b") and the step of retrieving a value from the network frame further includes; retrieving

protocol knowledge of the data structure of the at least one protocol data unit enabling the

extraction of the at least one field, and extracting a value from the at least one field of the

at least one protocol data unit **(column 13, lines 15-20)**.

11.   As to **Claims 4,10, and 15, Chen** teaches: the method according to any of claims

2 and 3 wherein the step of performing an action includes: receiving at least one protocol

data unit name and at least one value corresponding to at least one keyword associated

with the at least one protocol data unit name **(column 13, lines 1-12)**; retrieving protocol knowledge of the data structure of a network frame enabling the building of the at least one keyword into a network frame **(column 7, lines 30-47)**; associating the at least one value with the at least one keyword **(column 13, lines 17-19)**; placing the at least one protocol value into a memory device in a network frame data structure and transmitting the network frame to the network **(column 5, lines 7-22, column 7, lines 35-40)**.

12.   As to **Claims 5 and 16, Chen** teaches: a computer system including an emulator for emulating network traffic, the computer system comprising: a user interface **(column 6, line 25**, wherein "CLI" is command line interface); a network connection **(Figure 1, element 106)**; an emulator system disposed between the user interface and the network connection, the emulator system including: a protocol emulator connected to the user interface **(column 4, lines 8-11, column 6, line 25)**, including at least two state keywords defining each state of the protocol that the protocol may enter, the at least two state keywords representing a number of behavior states that a particular one of the protocol states may express, the particular one of the protocol states being associated with a particular one of the at least two state keywords and a set of event keywords defining each state keyword representative of inputs that the protocol state may received while being associated with the particular one of the at least two state keywords, the protocol state operable to change its association to another one of the at least two state keywords in response to the inputs receive or actions encountered **(column 5, lines 23-57, lines 58-61)**; and a protocol decoder, connected to the protocol emulator and network connection, having means for receiving a network frame from the network connection and signaling a network event to the protocol emulator **(column 4, line 64-column 5, line 5)**.

13.   As to **Claim 6, Chen** teaches: wherein the emulator system further includes: a protocol encoder, connected to the protocol emulator for encoding network frame data received from the protocol emulator for transmission to the network **(column 5, lines 7-23, column 7, lines 36-47)**.

14.   As to **Claim 11**, Chen teaches: the computer system of claim 7 operable as a network analyzer **(column 5, lines 7-23)**.
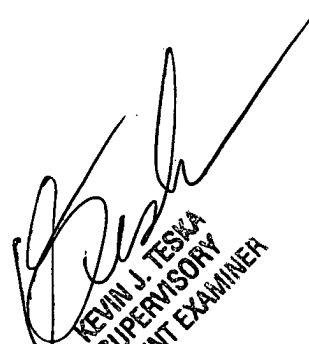
Conclusion

15.   The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure, careful consideration must be given prior to Applicant's response to this Office Action.

16.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary C Hogan whose telephone number is 571-272-3712. The examiner can normally be reached on 7:30AM-5PM Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 571-272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary C Hogan
Examiner
Art Unit 2123